

# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** February 21, 2007  
**AGENDA DATE:** March 1, 2007  
**PROJECT ADDRESS:** 1722 State Street (MST2005-00455)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Jan Hubbell, AICP, Senior Planner  
 Allison De Busk, Associate Planner

### I. PROJECT DESCRIPTION

The project consists of demolition of a 7,500 square foot commercial building and construction of a new mixed use building that includes 9,100 net square feet of commercial condominium space and 12 residential condominium units (totaling 23,606 square feet) above a 23,909 square foot subterranean garage. The residential condominiums will include 9 two-bedroom and 3 three-bedroom units ranging in size from 976 to 2,680 square feet. Two of the proposed residential units are affordable units: one two-bedroom and one three-bedroom unit. Parking (55 spaces) would be located in the subterranean garage. Grading consists of 8,594 cubic yards cut and 255 cubic yards fill, resulting in 8,339 cubic yards of export. A zone change is proposed, which was initiated by the Planning Commission on November 3, 2005, to change the R-1 (single family) portion of the property to the R-3 (multiple family) Zone.

### II. REQUIRED APPLICATIONS

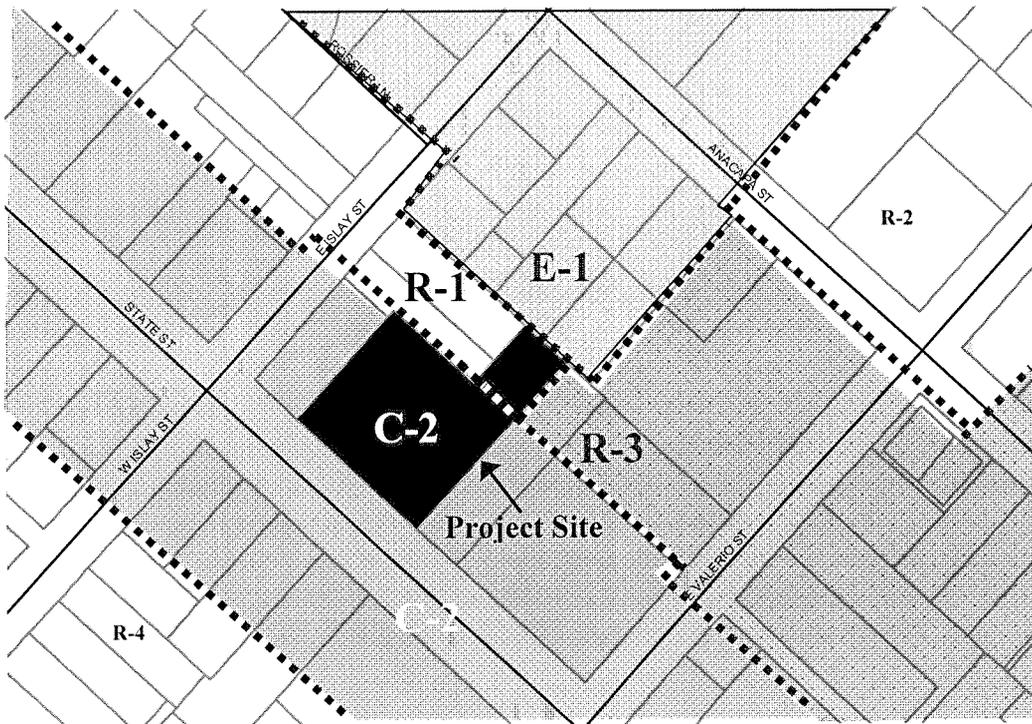
The discretionary applications required for this project are:

1. A Zoning Map Amendment to change the zoning from R-1, One Family Residential, to R-3, Limited Multi-Family Residence Zone (SBMC §28.92.080.B);
2. A Modification to allow 55 parking spaces instead of the Santa Barbara Municipal Code required 63 spaces (SBMC §28.90.100.G & I and §28.92.110.A.1);
3. A Modification of the minimum lot area required to allow for 9 two-bedroom units and 3 three-bedroom units on a 28,875 square foot lot instead of the required 29,280 square feet of lot area in order to accommodate two inclusionary (bonus density) housing units (SBMC §28.21.080.G and §28.92.110.A.2);
4. A Development Plan to allow Minor and Small Additions for the construction of a 1,600 square foot increase of nonresidential development (SBMC §28.87.300);
5. A Tentative Subdivision Map for a one-lot subdivision to create twelve (12) residential condominium units and 15,576 square feet of commercial condominium space (SBMC §27.07 and 27.13); and

6. A Conditional Use Permit to allow nonresidential parking in a residential zone (SBMC §28.94.030 H).

### III. RECOMMENDATION

With approval of the requested modifications, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project contingent upon Council approval of the Zone Change and recommend that the City Council approve the Zone Change, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



APPLICATION DEEMED COMPLETE:

September 8, 2006

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant: Jan R. Hochhauser	Property Owner: 1722 State Street Investors, LLC
Parcel Number: 027-102-021	Lot Area: 28,875 square feet
General Plan: General Commerce & Offices	Zoning: C-2 and R-1
Existing Use: Photography and Videography Classroom	Topography: 4-5% slope toward State Street
Adjacent Land Uses: North - Residential/Commercial (C-2, R-1 zones) East - Residential (R-1, E-1 zones) South - Commercial/Office (C-2, R3 zones) West - State Street, Commercial (C-2 zone)	

**B. PROJECT STATISTICS**

Residential	Bedrooms	Size (Net)	Parking	Private Outdoor Living Spaces
Unit A	2	2,268 sq. ft.	2-car garage	1,275 sq. ft.
Unit B	2	2,093 sq. ft.	2-car garage	1,018 sq. ft.
Unit C	2	2,093 sq. ft.	2-car garage	1,018 sq. ft.
Unit D	2	2,093 sq. ft.	2-car garage	1,018 sq. ft.
Unit E	3	2,680 sq. ft.	2-car garage	1,548 sq. ft.
Unit F	2	2,349 sq. ft.	2-car garage	774 sq. ft.
Unit G	3	1,988 sq. ft.	2-car garage	472 sq. ft.
Unit H (Affordable)	2	976 sq. ft.	1 covered space	91 sq. ft.
Unit I (Affordable)	3	1,179 sq. ft.	1 covered space	100 sq. ft.
Unit J	2	1,771 sq. ft.	2-car garage	327 sq. ft.
Unit K	2	1,857 sq. ft.	2-car garage	327 sq. ft.
Unit L	2	2,259 sq. ft.	2-car garage	247 sq. ft.

Non-residential	Size (net)
First Floor Commercial	4,384 square feet
Second Floor Commercial	4,716 square feet
Parking	33 spaces

**V. ZONING ORDINANCE CONSISTENCY**

C-2/R-3 Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front -Interior -Rear	None None 10 feet	None None 10 feet	None None 10 feet
Building Height	60 feet (4 stories)	24 feet (2 stories)	43 feet maximum (3 stories)
Parking	Residential: 27 spaces <u>Commercial: 36 spaces</u> Total Rqd.: 63 spaces (Total Shared Parking Generation: 55 spaces)	45 spaces	Residential: 22 Commercial: 33 Total: 55 *
Lot Area Required for Each Unit (Variable Density)	2-Bdrm = 2,320 sq. ft. 3-Bdrm = 2,800 sq. ft. (9) 2,320 = 20,880 sq. ft. (3) 2,800 = 8,400 sq. ft. Total 29,280 sq. ft.	28,875 square feet	28,875 square feet * (Lot Area Modification requested for 405 sq. ft.)
Open Yard	10% of the lot (2,928 sq. ft.)	N/A	17.5% (5,122 sq. ft.)
Private Outdoor Living Space	2-Bd Units = 84 sq. ft. each 3-Bd Units = 96 sq. ft. each	N/A	All units exceed 100 sq. ft. with the exception of the 2 bdrm. affordable unit @ 91 sq. ft.
Lot Coverage -Building -Paving/Driveway -Landscaping	N/A N/A N/A	7,500 sq. ft. (26 %) 21,040 sq. ft. (73 %) <u>335 sq. ft. (01 %)</u> 28,875 sq. ft. (100%)	18,570 sq. ft. (64 %) 4,120 sq. ft. (14 %) <u>6,185 sq. ft. (22 %)</u> 28,875 sq. ft. (100%)

\* Requires a Modification

**A. CHANGE OF ZONE**

A change of zone is a legislative process and City procedures require that the Planning Commission or City Council initiate the rezoning before the applicant can submit a formal application for rezoning. A zone change can be initiated by either an applicant, the Planning Commission or City Council. In this case, the property owner applied for the zone change and the Planning Commission initiated the process at their November 3, 2005 hearing, to change a portion of the subject property from R-1 (One Family Residential) to R-3 (Multiple Family Residential). This designation change is required in order to process the applicant's mixed-use project proposal. Currently, the 28,875 square-foot lot is split by two zoning designations; the eastern portion, totaling approximately 4,125 square feet, is zoned R-1, and the western portion adjacent to State Street, totaling 24,750 square feet, is zoned C-2. There are several areas of

the City where zone boundaries do not align with property lines, so it is not unusual that this property is split by two zones.

The surrounding property to the north is zoned R-1 and E-1 (One-Family Residential), the east is zoned R-3 (Multiple Family) and the south and west is zoned C-2 (Commercial).

The R-3 district would accommodate the mixed use project and still provide adequate separation of commercial uses from the area currently developed with single-family residences. The R-3 designation would match the designation of the adjacent property to the southeast, and would prohibit commercial development at the rear of the property should the actual development of the project not come to fruition. The rezoning of the rear portion of the site to the R-3 zone allows for a well-designed residential project compatible with the existing buildout of the surrounding adjacent residential neighborhood.

Staff recommends that the Planning Commission recommend to the City Council the approval of the zone change from R-1 to R-3.

#### **B. CONDITIONAL USE PERMIT**

The underground parking garage extends into the residentially zoned portion of the site. Because the parking garage will include commercial parking spaces in the R-3 zone, the commercial parking use must be permitted through issuance of a conditional use permit (CUP) per Section 28.94.030 (“driveways and parking areas for nonresidential uses in residential zones”) of the Municipal Code, based upon the findings for approval outlined in Section VII. Given that the commercial parking is below grade, and no equipment or facilities would be apparent to the above grade residential uses, Staff finds that the parking configuration is appropriate and recommends approval of the CUP by the Planning Commission.

#### **C. MEASURE E**

The project includes the demolition of approximately 7,500 square feet of commercial space and construction of approximately 9,100 square feet of commercial space. Pursuant to the provisions of SBMC §28.87.300, the project would be allocated a total of 1,000 square feet of Measure E nonresidential square footage from the Minor Addition category and 600 square feet from the small addition category for the project parcel. Development Plan findings for this square footage are included in Section VII below.

#### **D. MODIFICATIONS**

*Parking Modification:* The residential parking requirement for the project is two covered spaces per residential unit and one guest space for every four units. Because the total square footage of the residential area exceeds the square footage of the proposed commercial area, the project does not qualify for the one space per unit provision for mixed-use developments. The commercial requirement for the project is one space per 250 square feet of space. Therefore, the project requires 27 spaces for the twelve residential units (24 spaces for residents and 3 spaces for guests) and 36 parking spaces for the proposed 9,100 square feet of commercial use, for a total of 63 spaces. A parking demand study was prepared by Associated Transportation

Engineers (ATE) to look at the shared parking demand of the project. Shared parking recognizes and factors in the peak parking demands that occur during the day and evening for various land uses. The ATE report determined that 50 spaces would be required at peak times for a mix of commercial uses and the 12 residences. The report also looked at a worst case scenario of a medical-dental office as the entire commercial use, along with the 12 residences. The peak shared parking demand using this scenario was calculated as 55 spaces. The project proposes 55 spaces, which will accommodate parking for the worst case land use category assumption. Based on the conclusion of the report, Staff supports the parking modification.

*Lot Area Modification:* Variable density is allowed in the C-2 (Commercial) Zone District. Based on the existing lot area of 28,875 square feet, a maximum of 10 two-bedroom units and 2 three-bedroom units would be allowed on this property, as was originally proposed by the applicant. However, per the City's Affordable Housing Policies, the average number of bedrooms in the inclusionary affordable units must equal or exceed the average number of bedrooms in the market-rate units of the development. Because the average number of bedrooms in the market rate units is 2.3, the inclusionary units are required to meet or exceed that number. Thus, during the review process, Staff indicated that one of the inclusionary units would be required to be configured as a two bedroom unit and one as a three bedroom unit. The bedroom count change was incorporated into the project by the applicant. It is Staff's opinion that the small lot area modification for the provision of two affordable units with unit sizes and amenities that exceed City requirements is appropriate. The City's Inclusionary Ordinance entitles the property owner to bonus density (via a lot area modification) for required inclusionary housing units (SBMC, § 28.43.050.A).

## **VI. ISSUES**

### **A. DESIGN REVIEW**

This project was conceptually reviewed by the Historic Landmarks Commission (HLC) on December 14, 2005 (meeting minutes are attached as Exhibit D). The HLC stated that there was general support for the project and that the third story of the building was acceptable due to the appropriate stepping back of the building. Direction was given regarding minor alterations to be presented at the required future preliminary and final hearings prior to Building Permit submittal.

### **B. COMPLIANCE WITH THE GENERAL PLAN**

Before a condominium project and a tentative subdivision map can be approved, they must be found consistent with the City's General Plan. The project site is located in the Upper East neighborhood, south of Mission Street, where motels and offices are found. The Land Use Element states that, in "the neighborhood below approximately Valerio Street, apartment structures can be seen together with professional offices, churches and schools. This type of development results from a mixture of commercial offices, hospital office, and multiple dwelling zones..." "Because of its conveniently close proximity to downtown, further redevelopment to higher-density residential uses will probably occur in this area".

1. **Land Use Element**

The subject site has a General Plan designation of General Commerce and Offices. The residential portion of the mixed-use development would be subject to the density requirements of the R-3/R-4 Multiple Family Residential Zones, which allow 12 dwelling units to the acre. However, the General Plan Land Use and Housing Elements recognize that, in zones where variable density standards apply, development may exceed the limit of 12 units per acre without causing an inappropriate increase in the intensity of activities. The proposed project would result in a density of approximately 18 units per acre, which, based on the above discussion, would be consistent with the Land Use and Housing Elements of the General Plan.

2. **Housing Element**

The City Housing Element encourages construction of a wide range of housing types to meet the needs of various household types. This proposal, with two and three bedroom units and affordable units, would satisfy that goal.

*Neighborhood Compatibility*

In accordance with Housing Element Policy 3.3, which requires new development to be compatible with the prevailing character of the neighborhood, the proposed building would be compatible in scale, size and design with the surrounding neighborhood.

The surrounding neighborhood is comprised of a mix of office, residential and commercial buildings, with a wide range of heights. Along State Street, the uses are a mixture of offices and commercial uses with residential uses predominantly to the rear (east) of State Street. The three-story element of the building is confined to the State Street frontage. The rear of the building adjacent to the neighboring residential area drops to two-stories, in keeping with the present residential character. Additionally, the apparent height of the building as viewed from the adjacent residential areas is lessened due to the natural topography that situates the adjacent homes at a higher elevation than the project site.

In addition, one of the goals of the Urban Design Guidelines is compatibility of new development with the character of the City, the surrounding neighborhood, and adjacent properties. The HLC considers the Urban Design Guidelines in reviewing development proposals. As discussed above, the HLC is supportive of the site plan, and the size, bulk and scale of the project.

3. **Circulation Element**

The Circulation Element contains goals and policies that promote housing in and adjacent to the downtown to facilitate the use of alternative modes of transportation and to reduce the use of the automobile. For example, Circulation Element Implementation Strategy 13.1.1 encourages “the development of projects that combine and locate residential uses near areas of employment and services.” This project provides housing as well as commercial space in the downtown and is, therefore, consistent with this goal. Transit stops are located within easy walking distance from the site.

### **C. ENVIRONMENTAL REVIEW**

Environmental review of the proposed project has been conducted pursuant to the California Environmental Quality Act (CEQA) and related Guidelines. An Initial Study and Mitigated Negative Declaration were prepared to evaluate the project's potential impacts on the physical environment. The analysis identified potentially significant but mitigable environmental effects in the following issue areas: air quality (short-term), biological resources, geophysical conditions, hazards, noise (long-term), traffic/circulation (long-term) and water environment. Also evaluated in the document as less than significant impacts are aesthetics, air quality (long-term), cultural resources, noise (short-term), public services and traffic/circulation (short-term).

A Draft Mitigated Negative Declaration (MND) was prepared and released for public review. During the public review period from January 18, 2007, to February 7, 2007, public comment on the draft MND was taken. No Environmental Hearing was held by the Planning Commission because one was not requested by the public. Staff received two letters of concern regarding the project during the public comment period. Concerns related to water quality and runoff, the size of the project, "canyonization", traffic and cumulative impacts were raised. Responses to these issues are included in the response to public comments, which is incorporated into the Final Mitigated Negative Declaration (Exhibit D).

The analysis concludes that no significant environmental impacts would result from the project as mitigated. Below is a brief summary of the Final Mitigated Negative Declaration evaluation.

#### **1. AESTHETICS**

The project site is located in an urban setting in the Upper East neighborhood of the City. Views of the site from public vantage points are primarily from the adjacent street and sidewalks. Existing development along this portion of the State Street corridor includes one-, two- and three-story buildings. There is a mix of office, commercial and residential development in the project vicinity. The site is currently developed with a two-story structure, paved parking areas and a limited amount of landscaping. The proposed new building would be three stories and would measure 43 feet above existing grade. Two of the three existing ficus trees on the site would be removed. The Historic Landmarks Commission (HLC) has reviewed the project and has made generally positive comments. The size, height, architecture and siting of the proposed building would result in a visual change to the site; however, this is considered a less than significant environmental impact.

#### **2. AIR QUALITY**

This project will not result in long-term air quality impacts. The primary concerns related to air quality impacts are pollutant emissions from vehicle exhaust or other stationary sources, particulates and nuisance dust associated with grading and construction. Long-term emissions are much less than the Santa Barbara County Air Pollution Control District threshold of significance for air quality impacts; therefore, long term project air quality impacts are less than significant. The MND has incorporated mitigation measures to minimize short-term impacts from construction emissions and dust.

### **3. BIOLOGICAL RESOURCES**

The project site is located in an urbanized portion of the City, where biological resources are limited. Vegetation on the site is primarily ornamental landscaping, which will be removed as part of the project. No impacts to native plants, animals, their habitats or wildlife movement opportunities would result from this project. There are currently three mature ficus trees on the site, two of which are proposed to be removed. Mitigation measures are included to require four replacement trees that will provide a similar canopy to the ficus trees and construction fencing to protect the remaining ficus tree. There is also a large oak tree located just east of the project site and a portion of the oak's canopy overhangs onto the project site. Mitigation measures are recommended to minimize any damage to this oak tree.

### **4. CULTURAL RESOURCES**

The project site is located adjacent to a relic creek and is in the Prehistoric Watercourse, American Period 1870-1900, and Early 20<sup>th</sup> Century 1900-1920 cultural sensitivity zones, based on the City Master Environmental Assessment (MEA) *Cultural Resources Sensitivity Map*. A Phase 1 Archaeological Survey was conducted in 2006. A systematic survey for archaeological resources was not possible given the existing site development. Therefore, although prehistoric resources have not been documented within a ¼ mile radius of the project site, on-site monitoring is required during initial site demolition and grading activities.

No known historic, ethnic or religious resources are known or expected to exist on the site. The project would have no impact related to historic, ethnic or religious resources.

### **5. GEOPHYSICAL CONDITIONS**

Project impacts related to ground shaking, liquefaction, seiche, tsunami, landslides, mudslides or excessive grading are considered less than significant. Potential impacts due to subsidence or expansive soils would be minimized to less than significant levels with incorporation of grading and foundation recommendations included in the Preliminary Foundation Investigation prepared by Pacific Materials Laboratory for the project.

### **6. HAZARDS**

A Phase I Environmental Site Assessment was prepared for the project site to identify the possibility of soil and ground water contamination. According to the analysis in that report, it does not appear that soils at the project site are contaminated, and impacted groundwater at the site would be located at depths of 80-90 feet below the ground surface. Mitigation measures have been identified to reduce any potential impact from this contamination to less than significant levels. The site is not located within a High Fire Hazard Area.

## **7. NOISE**

The project is located in an area where noise levels range from 60-65 dBA Ldn, due primarily to traffic noise. Proposed Units K and L face State Street and have private outdoor living space facing State Street. These units will require mitigation for both interior and exterior spaces to reduce noise impacts to less than significant levels. Short-term construction noise would be adverse, but less than significant. Mitigation measures have been recommended to further minimize any construction noise impacts.

## **8. POPULATION AND HOUSING**

The project would not involve substantial employment or housing growth that would increase population or housing demand. Growth-inducing impacts would not be significant.

## **9. PUBLIC SERVICES**

Public services in the project vicinity are in place. Impacts to fire and police protection, schools, roads and utilities would be less than significant. Impacts to solid waste would be less than significant, and recommended mitigation measures addressing trash enclosures and construction materials recycling and salvage would further reduce any impacts.

## **10. RECREATION**

The project may result in a very small increase in the demand for recreational facilities, but is considered an incremental increase in the number of potential users for existing facilities. There are various recreational facilities in the project area including the Alameda Park and Alice Keck Park Memorial Gardens. Project impacts related to recreational demand would be less than significant.

## **11. TRANSPORTATION/CIRCULATION**

The project is expected to generate 28 a.m. peak hour trips, 67 p.m. peak hour trip and 347 average daily trips. The project is expected to result in a net reduction of a.m. and p.m. peak hour trips and average daily trips based on ITE rates for both the prior bank use and the current classroom/ATM use. Therefore, there would be no impact to traffic or the operation of intersections in the area.

Short term construction traffic would not result in a significant impact to the traffic network because of the temporary nature of the trips generated and the size of the project. Standard mitigations recommended to minimize any adverse impact include restrictions on the hours permitted for construction trips and approval of routes for construction traffic.

Project impacts relative to emergency access are potentially significant because there is not a 20-foot wide access way to within 150 feet of the furthest exterior wall of the building. Upon Fire Department approval of an access modification, this potential impact will be reduced to a less than significant level.

A parking study was prepared for the proposed development and determined that the 55 proposed parking stalls would satisfy the project's parking demand (see discussion of Parking modification above).

## **12. WATER ENVIRONMENT**

The existing onsite drainage sheet flows southward to State Street. A drainage analysis was prepared for the project, which indicates that post-development run-off would decrease slightly from existing conditions. No drainage impacts are anticipated. The project site is not located in a flood zone. Potentially significant long-term water quality impacts would be reduced to less than significant levels with incorporation of Best Management Practices (BMPs). Standard erosion and dust control measures have been included in the project conditions to minimize potentially significant short term construction impacts to water quality.

The Final Mitigated Negative Declaration has identified no significant and unavoidable impacts related to the proposed project. Pursuant to CEQA, and prior to approving the project, the Planning Commission must consider the Mitigated Negative Declaration. For each mitigation measure adopted as part of a Mitigated Negative Declaration, the decision makers are required to make the mitigation measures conditions of project approval and adopt a program for monitoring and reporting on the mitigation measures to ensure their compliance during project implementation [PRC Sec.21081.6]. The mitigation measures described in the proposed Final Mitigated Negative Declaration have been incorporated into the recommended conditions of approval for this project. In addition, a mitigation monitoring and reporting program (MMRP) is included as Exhibit E.

## **VII. FINDINGS**

The Planning Commission finds the following:

### **A. LOT AREA MODIFICATION (SBMC §28.92.110.A.2; 28.43.050.A)**

The lot area modification is consistent with the purposes and intent of the Zoning Ordinance and policies of the Housing Element, and is necessary to construct a mixed-use development that provides two affordable residential units for moderate-income households.

### **B. PARKING MODIFICATION (SBMC §28.92.110.A.1)**

The modification is consistent with the purposes and intent of the zoning ordinance and is necessary to construct a housing development which is affordable to moderate income households. The parking provided on site will meet the project's parking demand.

**C. CONDITIONAL USE PERMIT (SBMC §28.94)**

**For the underground parking in a residential zone (SBMC§28.94.030.H)**

1. The use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan because it supports mixed-use development in an area that is well-suited to such a development;
2. Such use will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved because the commercial parking is below grade and no equipment or facilities would be apparent to the above grade residential uses;
3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided;
4. Adequate access and off-street parking, including parking for guests, is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time;
5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping, open space and other features is compatible with the character of the area.

**D. AMENDMENTS AND CHANGES TO ZONE BOUNDARY (SBMC §28.92.020)**

The change is justified by public necessity convenience, general welfare or good zoning practice.

**E. DEVELOPMENT PLAN APPROVAL (SBMC §28.87.300)**

1. The proposed development complies with all of provisions of the Zoning Ordinance;
2. The proposed development is consistent with the principles of sound community planning;
3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood;
4. The proposed development will not have a significant unmitigated adverse impact upon the City and South Coast affordable housing stock;
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources;

6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic;
7. Resources will be available and traffic improvements will be in place at the time of project occupancy.

**F. THE TENTATIVE MAP (SBMC §27.07.100)**

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

**G. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)**

1. There is compliance with all provisions of the City's Condominium Ordinance.  
*The project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.*
2. The proposed development is consistent with the General Plan of the City of Santa Barbara.  
*The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood.*
3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.  
*The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.*

**H. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION**

- The Planning Commission has considered the proposed Final Mitigated Negative Declaration together with comments received during the public review process.

- The Planning Commission finds on the basis of the whole record before it (including the initial study and comments received) that there is no substantial evidence that the project will have a significant effect on the environment.
- The Planning Commission finds that the Final Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis.
- The Planning Commission finds that the Final Mitigated Negative Declaration has been prepared in compliance with CEQA, and constitutes adequate environmental evaluation for the proposed project. The Planning Commission hereby adopts the Final Mitigated Negative Declaration for the project.
- The Planning Commission hereby adopts a mitigation monitoring and reporting program for measures required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
- The location and custodian of the documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, California.

**I. DEPARTMENT OF FISH AND GAME FEE FINDING**

An Initial Study has been conducted by the lead agency, which has evaluated the potential for the proposed project to result in adverse effects, either individually or cumulatively, on wildlife resources or the habitat on which the wildlife depends. For this purpose, "wildlife" is defined as "all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability" (Section 711.2 Fish and Game Code). This project is subject to the Department of Fish and Game fee, unless otherwise determined by the Department of Fish and Game.

Exhibits:

- A. Conditions of Approval
- B. Reduced Plan Set
- C. Applicant's letter, dated September 1, 2006
- D. Final Mitigated Negative Declaration
- E. Mitigation Monitoring and Reporting Program